

Art Unit: 3743

Remarks/Arguments

On page 2 of the Action, a substitute specification excluding the claims was required pursuant to 37 CFR 1.125(a).

In reply thereto, applicant hereby submits the substitute specification.

The drawings were objected to under 37 CFR 1.83(a).

In reply thereto, applicant respectfully direct examiner's attention to Fig. 1 and the disclosure on page 7, wherein common brackets 15 are shown and described as common member.

On page 3 of the Action, claims 1, 2, 5, and 6 were rejected under 35 U.S.C. 102(a) as being anticipated by Tanaka et al.

In reply thereto, applicant has amended the claims to define applicant's invention more clearly over the prior art of record.

As clearly defined in the amended claims, applicant's invention comprises a condenser having first tubes and a radiator having second tubes, the height of the first tubes is smaller than the height of the second tubes so that the radiator's high performance provided on the leeward side is maintained even if the condenser and the radiator are put together closely within a limited space.

Art Unit: 3743

With respect to the prior art, Tanaka et al. disclose a combined heat exchanger comprising condenser tubes 6, radiator tubes 5, and fins 1.

However, Tanaka et al. neither disclose nor suggest any heat exchanger wherein the height of condenser tubes is smaller than the height of radiator tubes. In fact, in Tanaka et al. the height of condenser tubes 6 is greater than the height of radiator tubes 5. Thus, Tanaka et al. teach away from the applicant's invention.

The Action states that Tanaka et al.'s device is capable of use with air flowing through either direction.

However, even if the direction of an airflow is changed in Tanaka et al., the fact that the height of condenser tubes is larger than the height of radiator tubes remains. Thus, Tanaka et al. teach away from the applicant's invention.

For these reasons, it is submitted that applicant's invention as recited in claims 1, 2, 5, and 6 is patentable over Tanaka et al.

On page 3 of the Action, claim 3 was rejected under 35 U.S.C. 102(a) as anticipated by Tanaka et al. or under 35 U.S.C. 103(a) as obvious over Tanaka et al. in view of Fukuoka et al. and Yamamoto et al.

In reply thereto, applicant respectfully traverses the rejection for the same reasons as set forth above with respect to its base claim 1 or 2.

Art Unit: 3743

On page 4 of the Action, claim 4 was rejected under 35 U.S.C. 102(a) as anticipated by Tanaka et al. or under 35 U.S.C. 103(a) as obvious over Tanaka et al. in view of Sugimoto et al.

In reply thereto, applicant respectfully traverses the rejection for the same reasons as set forth above with respect to its base claim 1 or 2.

In addition, the Action states that minimizing this spacing increases efficiency of the condenser.

However, applicant has minimized the spacing not to increase the efficiency of the condenser but to reduce the mounting space in a vehicle. When the condenser and the radiator are disposed closely, however, the airflow is disturbed by the condenser and the heat-exchanging performance of the radiator is lowered. Thus, according to the invention, the tube height of the condenser is made smaller than that of the radiator to maintain the high heat-exchanging performance of the radiator. See specification, page 6.

In view of the foregoing, it is respectfully requested that this application be reconsidered, claims 1-4 and 6 allowed, and the case passed to issue.

Application No.: 09/980,623

Page 8

Art Unit: 3743

Respectfully submitted,

TAKEUCHI & TAKEUCHI

*Z. Takeuchi*

By Yusuke Takeuchi

Reg. No. 30,921

Tel (703) 684-9777